

Serial No. 09/891,696
Amdt. dated December 12, 2005
Reply to Office Action of October 11, 2005

Attorney Docket No. PN01032AA

REMARKS/ARGUMENTS

Claims 1, 11, 35, 36, 38 through 40 and 42 remain in this application.

Claims 1, 11, 35, 36, 38 through 40 and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,026,375 to Hall, et al. ("Hall, et al. patent") in view of U.S. Patent No. 6,909,708 to Krishnaswamy, et al. ("Krishnaswamy, et al. patent").

Claim 1 provides, *inter alia*, formulating a response concerning the order and the reply in which the response is formulated based on capabilities of the device. In contrast, as stated by the Examiner in the Office Action, the Hall, et al. patent does not describe or suggest formulating a response concerning said order and said reply. Therefore, claim 1 distinguishes patentably from the Hall, et al. patent.

It is submitted that the Krishnaswamy, et al. patent also does not describe or suggest formulating a response concerning said order and said reply, as required by claim 1. The Product Management (2116) component of the Krishnaswamy, et al. patent as referred to by the Examiner in the Office Action is responsible only for the creation and marketing of customer services. Nowhere in the Krishnaswamy, et al. patent it is indicated that the component formulates a *response concerning an order*. Similarly, the order entry system (1945) of the Krishnaswamy, et al. patent simply generates profile information for a given telephone. It does not suggest or describe formulating a response concerning the order and the reply. Therefore, claim 1 distinguishes patentably from the Hall, et al. patent. Moreover, it is submitted that both the Hall, et al. patent and the Krishnaswamy, et al. patent do not describe or suggest said *response*

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formulated based on capabilities of said device, as further required by claim 1. Therefore, in this regard also, claim 1 distinguishes patentably from the Hall, et al. patent, the Krishnaswamy, et al. patent, and the combination of these publications.

Claim 35 provides, *inter alia*, selecting a store associated with a provider of the goods or services based on an address associated with the user. In contrast, as submitted earlier in the previous response, the Hall, et al. patent does not describe or suggest selecting a store based on any type of address, let alone an address associated with the user, as required by claim 35. Therefore, claim 35 distinguishes patentably from the Hall, et al. patent.

It is submitted that the Krishnaswamy, et al. patent also does not describe or suggest selecting a store associated with a provider of the goods or services based on an address associated with the user. As submitted in the above paragraph, the Product Management (2116) component of the Krishnaswamy, et al. patent is responsible only for the creation and marketing of customer services and the order entry system (1945) simply generates profile information for a given telephone. A combined reading of these two components at most indicates a possibility of using profile information to market customer services. However, they neither suggest nor imply selecting a store associated with a provider of the goods or services based on an address associated with the user, as required by claim 35. The Examiner would appreciate that there is a fine difference between marketing of customer services based on an address and *selecting a store based on an address associated with a user on receipt of a request for goods or services from the user*. Therefore, claim 35 distinguishes patentably from the Hall, et al. patent, the Krishnaswamy, et al. patent, and the combination of these publications.

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Claims 11, 36, 38 through 40 and 42 depend from and include all limitations of independent claims 1 and 35. Therefore, claims 11, 36, 38 through 40 and 42 distinguish patentably from the Hall, et al. patent for the reasons stated above for claims 1 and 35.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1, 11, 35, 36, 38 through 40 and 42 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any

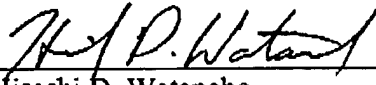
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questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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Date